

BARRY E. HINKLE, Bar No. 071223  
CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, California 94501  
Telephone (510) 337-1001  
Fax (510) 337-1023  
E-Mail: [bhinkle@unioncounsel.net](mailto:bhinkle@unioncounsel.net)  
[clozano@unioncounsel.net](mailto:clozano@unioncounsel.net)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA.

| No. C14-00575 (WHO)

**EX PARTE APPLICATION FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE;  
ORDER**

#### **Plaintiffs.**

V.

LINEATION MARKINGS CORPORATION, a  
California Corporation,

Defendant.

**TO: THE CLERK OF THE COURT AND DEFENDANT, LINEATION MARKINGS**  
**CORPORATION, a California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case Management Conference, which was set for December 9, 2014 at 2:00 pm be reset for ninety days to allow Plaintiffs to file and serve a First Amended Complaint.

1 Plaintiffs filed the Complaint seeking an audit and unpaid contributions on February 6,  
2 2014. Defendant was served on March 5, 2014, for which proofs of service were filed with this  
3 Court on March 14, 2014. Defendant has not filed an Answer or other responsive pleading in this  
4 matter.

5 Plaintiffs and Defendant had scheduled an audit of the Defendant's books and records for  
6 April 10, 2014. Thereafter, the Defendant requested that the audit be rescheduled on various  
7 occasions. The audit was finalized in late October 2014, as Defendant continued to provide  
8 information that was missing from the audit. Plaintiffs attempted to resolve the matter with  
9 Defendant once the audit was concluded, but have had no response from Defendant. Accordingly,  
10 Plaintiffs request that the Case Management Conference be continued for ninety days in order to  
11 allow Plaintiffs to file and serve an amended complaint.

12 The above stated facts are set forth in the accompanying Declaration of Concepción E.  
13 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,  
14 filed herewith.

16 Dated: December 3, 2014

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

18 By: /s/ Concepción E. Lozano-Batista  
CONCEPCIÓN E. LOZANO-BATISTA  
19 Attorneys for Plaintiffs

20 135418/790035

1           **PROPOSED ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

2           Based upon the foregoing Ex Parte Application for Continuance of Case Management  
3           Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to  
4           Continue Case Management Conference, the Court orders a continuance of the Case Management  
5           Conference for 90 days to March 3, 2015 at 2:00 p.m.

6           Dated: December 8, 2014

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HONORABLE WILLIAM H. ORRICK  
United States Magistrate Judge

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